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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JIMMY B. EDWARDS,

Plaintiff,

*versus*

KENNY W. KELLEY, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:06-CV-582

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Jimmy B. Edwards, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Kenny W. Kelley, Silvia Brown, Dutchess F. Griffin, Traci L. Baker, Mack Jackson, and Donald Cooper.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying the defendants' motion for summary judgment.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Defendants' motion for summary judgment is **DENIED**.

SIGNED at Beaumont, Texas, this 10th day of March, 2009.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE